

RESOLUTION AGREEMENT
University of Illinois at Urbana-Champaign
OCR Case No. 05-16-2331

The University of Illinois at Urbana-Champaign (University) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-16-2331. Nothing in this Agreement shall be construed to be an admission of liability or wrongdoing by the University. The University assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and Title IX’s implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity receiving Federal financial assistance from the Department of Education.

TITLE IX STAFF TRAINING

- 1) By October 31, 2018, and by September 15 of each subsequent academic year this Agreement is in effect, the University will ensure that all staff members of the Office for Access and Equity (OAE), formerly the Office of Diversity and Equity (ODEA), directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual violence and other forms of sexual harassment (OAE Title IX Staff) have received sufficient training and have sufficient qualifications, experience and resources to perform this work and fulfill their duties, including all responsibilities identified in this Agreement. Specifically, the University will ensure that its OAE Title IX Staff:
 - a) Understand the substantive requirements of Title IX, the University’s Title IX grievance procedure(s) (including timeliness requirements), and how to investigate reports under Title IX;
 - b) Recognize the types of conduct that constitute sexual harassment and sexual violence;
 - c) Recognize and appropriately respond to allegations of retaliation, intimidation, and coercion pursuant to Title IX;
 - d) Access and consider pertinent University of Illinois Police Department (UIPD) records and other records regarding reports of sex harassment and sexual violence;
 - e) Apply the University’s standard of proof appropriately when evaluating evidence and witness credibility;
 - f) Provide the parties with an equal opportunity to review evidence, including any written statements by the opposing party;
 - g) Obtain and consider relevant evidence presented by each party;
 - h) Offer interim measures, and, as appropriate, remedial actions for the complainant, respondent, and University community;
 - i) Adequately document all steps of an investigation;
 - j) Notify all parties of the initiation and outcome of an investigation; and
 - k) Ensure that students who file Title IX complaints are advised of:
 - (1) their right to file a criminal complaint with a police department, have the University conduct a Title IX investigation, or have both occur simultaneously;
 - (2) the limitations of confidentiality during the University’s investigation; and

- (3) the availability of appropriate, individualized services (including interim measures such as no-contact orders and counseling services) as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct prior to an investigation or while an investigation is pending.

REPORTING REQUIREMENT: By October 31, 2018, and September 30 of each subsequent academic year this Agreement is in effect, the University will submit to OCR documentation demonstrating its compliance with item 1 of the Agreement. The documentation will include the names and titles of the University's current OAE Title IX staff, as well as each staff member's qualifications and experience. Documentation also will include the date of each training session attended by each OAE Title IX staff member, the names and titles of the trainer(s), and a copy of any materials used or distributed during the training.

TITLE IX COORDINATOR

- 2) By October 31, 2018, the University will ensure that its Title IX Coordinator is able to fulfill all responsibilities specified in this Agreement and has a line of reporting that provides for sufficient autonomy and authority to effectively execute these responsibilities. Specifically, the University will ensure that the Title IX Coordinator:
 - a) Oversees the University's prompt and equitable response to disclosures, verbal reports, and written complaints of discrimination under Title IX involving students, faculty, and staff (hereinafter collectively referred to as "reports"), and those delegated the responsibility for receiving reports of sex discrimination, including sexual harassment and sexual violence;
 - b) Has access to all University Police Department (UPD) records regarding reports of sex harassment and sexual violence;
 - c) Implements the University's policies and procedures prohibiting sexual violence and other forms of sexual harassment and assesses the overall efficacy of prevention, coordination, and response by the University to sexual harassment and sexual violence;
 - d) Coordinates with appropriate offices on campus (e.g., housing, academic deans, health and counseling services, UPD, Human Resources) to identify and address patterns or systemic problems under Title IX and to ensure coordination among these various offices;
 - e) Ensures that the University's policies on consensual relationships between staff and students are consistent with Title IX's prohibition of sexual harassment, and that the policies are adequately enforced;
 - f) Oversees the development, provision, and monitoring for effectiveness of training for:
 - (1) individuals involved in any stage of the grievance process on the substantive requirements of Title IX and how to investigate complaints and review appeals under Title IX; and

- (2) members of the University community (i.e., staff, faculty, police officers, resident assistants, coaches, students, etc.) regarding their Title IX rights and responsibilities.
- g) Ensures that students who file Title IX complaints are advised of:
 - (1) their right to file a criminal complaint with a police department, have the University conduct a Title IX investigation, or have both occur simultaneously;
 - (2) the timeframes for Title IX investigations; and
 - (3) the availability of appropriate, individualized services (including interim measures such as no contact orders and continuing counseling services), as appropriate, prior to an investigation or while an investigation is pending.

REPORTING REQUIREMENTS: By October 31, 2018, the University will submit to OCR documentation demonstrating its compliance with this item. The documentation submitted will demonstrate that the Title IX Coordinator is carrying out the responsibilities outlined above.

TRAINING OF UNIVERSITY PERSONNEL

- 3) By October 31, 2018, and by September 15 of each subsequent academic year for all new employees, the University will provide effective in-person or online Title IX training to all University employees. The training will be designed to provide an understanding of the University's responsibilities under Title IX to address reports of sexual harassment, sexual violence and retaliation. The training will cover, at a minimum: the University's current grievance procedures; the obligation of responsible employees to report sexual violence and other forms of sexual harassment to the Title IX Coordinator; how to recognize and identify sexual violence and other forms of sexual harassment (including incidents involving students with special needs and/or an impaired ability to consent to sexual contact), and the University's responsibilities under Title IX to address such allegations and conduct; resources available including confidential advocacy, counseling, or other support services; and the student's right both to file a complaint with the University and report a crime to campus or local law enforcement. During the trainings, the University will provide copies of its Title IX policies, procedures and standards, or provide a link to a website containing those policies, procedures and standards, to all attendees or participants. Following the trainings, the University will assess participants' understanding of how to respond to and report sexual harassment and sexual violence.

REPORTING REQUIREMENTS: By October 31, 2018, September 30, 2019, and September 30, 2020, the University will provide OCR with documentation that it has provided the training referenced in this item for the preceding academic year, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during any in-person training or a link or other means to access any online training (provided that the University can obtain the necessary permissions from the vendor), a list of University employees who successfully completed the training, and a summary of the results of the post-training assessment.

STUDENT TRAINING & RESOURCES

- 4) The University will ensure implementation of annual, Title IX training for all students, who will be advised that completion of the training is mandatory. At a minimum, the training will cover:
 - a) Title IX, including the rights that it confers on students and the resources available to students who experience sex discrimination (including sexual harassment and sexual violence) or retaliation;
 - b) The University's policies and procedures prohibiting sexual violence, other forms of sexual harassment, and retaliation;
 - c) How to recognize sexual violence and other forms of sexual harassment when they occur;
 - d) How and with whom to report sexual harassment, sexual violence, and retaliation;
 - e) Students' rights to and the limitations of remaining confidential when reporting sexual harassment, sexual violence, and retaliation;
 - f) The University's definition of consent; and
 - g) The identity and role of the Title IX Coordinator and his/her contact information.

REPORTING REQUIREMENTS: By October 31, 2018, and by September 30 of each subsequent academic year this Agreement is in effect, the University will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), and a copy of any materials used or distributed during the training or a link or other means to access any online training provided.

RECORD KEEPING

- 5) By October 31, 2018, the University will develop a record-keeping system that adequately documents all reports of possible sex discrimination against University faculty/staff, including sexual harassment and sexual violence, and a record-keeping policy that requires preservation of documentation of the OAE's responses to and investigations of reports and complaints of sex discrimination, including sexual harassment and sexual violence, and prohibits destruction of records of such reports and complaints for a minimum of three years. At a minimum, the University's record-keeping system shall have the ability to maintain information related to complaints or reports of sex harassment, including:
 - a) A system for electronically tracking all incidents of alleged sexual harassment or potential sexual harassment of which the University is aware and relevant information related to the incident, the person reporting the incident, the alleged harasser, the alleged person subjected to the harassment, all potential witnesses to the alleged harassment, the date/time/nature/location of the alleged incident, and the date the University became aware of the alleged incident;
 - b) A copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of sexual violence and other forms of sexual harassment by University staff/employees;

- c) A copy of all evidence—including any physical evidence, handwritten notes, witness interview summaries, e-mails, correspondence, video and audio recordings, and other documentary evidence—generated as a result of each OAE Title IX investigation;
- d) A narrative of all actions taken by OAE Title IX Staff in response to the reports, including written documentation of all communications with the parties;
- e) A copy of all disciplinary sanctions issued to students or employees for violations of the policies prohibiting sexual violence and other forms of sexual harassment;
- f) A copy of all written determinations or a description of all verbal notifications of determinations provided to the parties, with the date of each notification; and
- g) Documentation fully detailing any interim measures offered and afforded to complainants and/or respondents pending the completion of an OAE investigation into a report or complaint of sex discrimination, sexual harassment or sexual misconduct, including copies of no contact orders issued to both parties, the dates issued and the date the parties acknowledged receipt, and, if applicable, the parties response to the interim measures offered;
- h) Where sexual violence or another form of sexual harassment is found to have occurred, documentation fully detailing all the steps, individual and systemic, the University took to stop the sexual violence or other sexual harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others, as appropriate.

REPORTING REQUIREMENTS: By October 31, 2018, the University will provide OCR with a detailed description of its proposed record-keeping system and policy. By July 15 of each year this Agreement is in effect, the University will provide OCR with a summary in chart form of all reports of sexual harassment and sexual violence the University received during the just-completed academic year. While the chart will reference the documentation and information listed above, the University will not be required to submit the underlying documentation with the chart, unless specifically requested to do so by OCR. The University will maintain and preserve all of the underlying documentation for the requisite time period and will provide OCR with timely access to any and all documentation identified in item 5 upon request.

The University understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that, during the monitoring of this Agreement, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University's representative below.

Robert J. Jones, Jr.
Chancellor
University of Illinois at Urbana-Champaign

Date